

43448
DO

SERVICE DATE – LATE RELEASE NOVEMBER 6, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35731

BALLARD TERMINAL RAILROAD COMPANY, L.L.C.—ACQUISITION AND
OPERATION EXEMPTION—WOODINVILLE SUBDIVISION

Docket No. AB 6 (Sub-No. 465X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN KING COUNTY,
WASHINGTON (WOODINVILLE SUBDIVISION)

Decided: November 6, 2013

On November 4, 2013, King County, Wash., Central Puget Sound Regional Transit Authority, and the City of Kirkland, Wash. (collectively, Movants), jointly filed a motion for protective order under 49 C.F.R. § 1114.21(c) to end further document production requested by Ballard Terminal Railroad Company, L.L.C. (Ballard) in this matter. Movants assert that further production is unnecessary as they have already produced all relevant documents and because further production will impose an undue burden and expense on them. In order for the Board to promptly consider the issue raised by this motion, Ballard's reply to the motion for protective order must be filed by November 12, 2013.

On October 28, 2013, Ballard filed a request to extend its deadline for filing its reply on the merits in the underlying proceeding to January 13, 2014. Movants opposed Ballard's request in a reply filed on November 4, 2013, but stated that they would not object to an extension of Ballard's reply deadline to November 20, 2013. Given Movants' position on the extension request, Ballard will not be required to file its reply on the merits in the underlying proceeding prior to November 20, 2013. The Board will rule on Ballard's pending motion for extension for filing its reply on the merits until January 13, 2014, and Movants' motion for protective order in a subsequent decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Ballard's reply to the motion for protective order is due no later than November 12, 2013.

2. Ballard's reply on the merits in the underlying proceeding will not be due prior to November 20, 2013, pending further Board order.

3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.